This Court has comprehensively reviewed its various decisions under the Eleventh Amendment, and, has expressly refused to narrow the exception created by *Ex parte Young*. *Idaho v. Coeur d' Alene Tribe of Idaho, 521 US 261 (1997); Alden et al v. Maine, 527 U.S. 706 (1999).*

In *Idaho* , this Court addressed the *Young* doctrine in light of the availability of both "alternate state court remedies", and, the "prospective relief" doctrine approved in *Milliken*. It found *Young* doctrine applicable even where there is a prompt and effective remedy available in a state forum. *Idaho, at 292-293.* This Court emphasized the importance and the necessity of a federal remedy to vindicate federal rights; *Id at 293-294, and, 296,* and expressly recognized the need for the *Young* doctrine to combat punitive state conduct of the type Respondents have used

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violation for which to grant "prospective" relief occurred. Therefore, *Young* did not apply.

here to evade federal review of their own violations of federal constitutional rights. *Id at 273-274.*

Most recently, in 1999, this Court, in *Alden,* comprehensively reviewed the entire breadth and scope of Eleventh Amendment jurisprudence finding that state sovereign immunity from suit derives not from the Eleventh Amendment at all, but from the structure of the Constitution itself. Despite deference to state sovereignty and immunity from suit, this Court ruled individual constitutional rights, grounded in due process, freedom from unreasonable searches and seizures of property, and, state guaranteed remedies, take priority over the state's interest in immunity from suit. *Alden at 733, 740, 748, and, 756* (citing *Reich v. Collins, 513 US 106(1994)*).

CONCLUSION

Respondents' contention that Petitioner's action is barred by the Eleventh Amendment; and, therefore, the District Court lacked subject matter

jurisdiction, in the first instance, flies in the face of established Michigan and federal sovereign immunity doctrine.

Respectfully submitted,

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